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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 27 November 1992, at 3 p.m.

Chairman: Mr. ALSTON

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GE.92-18649 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 5) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Hungary (E/1990/7/Add.10, E/C.12/WG/1992/CRP.1/Rev.1)

1. At the invitation of the Chairman, Mr. Lontai and Mr. Szapora (Hungary) took places at the Committee table.

2. Mr. LONTAI (Hungary), introducing the second periodic report of Hungary concerning rights covered in articles 13 to 15 of the Covenant, recalled that it had been submitted in May 1990, shortly after the first free, democratic elections held in Hungary since the fall of the Communist regime. In the meantime, major political, legal and economic changes had taken place in Hungary, with repercussions among others on the protection and effective enjoyment of the rights under consideration. At present the Hungarian Constitution, copies of which had been supplied to members of the Committee, provided very comprehensive safeguards for such rights in its chapter XII (arts. 54 to 70 K). Parliament had amended a number of laws and adopted new legislative texts to give effect to those provisions of the Constitution; other bills were in preparation. At the same time, Hungary continued to move towards a market economy, the legal framework for which had already been established. However, reorganization of the economy took time; privatization was causing problems as was the shrinkage of the country's traditional markets in the COMECON countries. Similarly, inflation, unemployment and external debt placed a strain on the State budget, and that had an impact on the financial resources that the Government was in a position to allocate to the implementation of the economic, social and cultural rights set forth in the Covenant. However, the Government recognized that it had to do everything it could to achieve that end.

3. The right to education was safeguarded by articles 67, 68, 70 F and 70 J of the Constitution; implementation was provided for under Act No. 1 of 1985, as amended by Act No. XXIII of 1990, as well as by the enabling decrees issued by the Ministry of Education and Culture. Reform of the education system was continuing: as noted in paragraph 11 of the report, higher education and vocational training were to be governed by separate legislation and bills on the subject were already under consideration.

4. To tackle the problems involved in implementing the right to education, the Government had introduced programmes for some regions of the country which were more affected than others by the difficulties of the transition to a market economy. The programmes were designed to offset the possible repercussions those difficulties might have on education, for example by granting social benefits, reduced nursery charges and the free distribution of educational materials. As for children of ethnic and linguistic minorities, who made up between 2.6 and 5 per cent of the population, together with the gypsy community, which numbered between 400,000 and 600,000, he recalled that the Government safeguarded their national identity and mother tongue by means of an educational network comprising 294 nursery schools, 314 primary schools

and 8 secondary schools. It continued to subsidize the publication of textbooks in the languages of the minorities and gave higher rates of pay to teachers working in schools for minorities. The Government had begun preparing special curricula for gypsy children to mitigate the cultural, social and linguistic handicaps they suffered. In that context, a bill still to be submitted to Parliament contained detailed provisions to regulate implementation of article 68 of the Constitution governing the legal status of minorities. One of the bill's aims was to make up for the natural disadvantages attendant on minority status by providing extra advantages in cultural matters and in teaching through the mother tongue.

5. As for religious education, he reported that the churches, whose right to establish and administer educational establishments had been fully restored, were gradually returning to the role they had traditionally played in education before denominational schools had been taken over by the State in 1948. The number of denominational educational establishments, which at present accounted for approximately 2 per cent of schools, would probably increase as the buildings which had formerly belonged to the churches were returned to them under Act No. XXXII of 1991. On the principle of separation of Church and State, incorporated in Act No. IV of 1990, the authorities were not entitled to interfere in the activities of denominational schools; these had, nevertheless, to meet the standard requirements for school curricula. According to recent figures, 2 to 3 per cent of pupils received religious education in State schools, where such courses were optional, or outside school.

6. Cultural rights - or more specifically the freedom to engage in creative, scientific or artistic activity - were jointly safeguarded by articles 70 F and 70 G of the Constitution. The State continued to subsidize cultural institutions such as museums, libraries, cultural centres, theatres and concert halls, but no longer supported publishing or film making, which had been privatized and were henceforth subject to the law of supply and demand. Competition in those fields was naturally fierce and the most popular works were not always those of a high artistic standard. However, private funds, sponsorship, foundations and groups of artists were increasing and would gradually fill the gap left by the State in that regard.

7. Hungary continued to support scientific research in the interests of social and economic development, but had changed its policy on subsidies. Pure research, traditionally the preserve of the universities and the institutes attached to the Academy of Sciences, would continue to be funded largely by the State. A bill on the subject was being prepared. Applied research was carried out by large firms in their own laboratories with their own funds, or was conducted in industrial research institutes under contract. Such institutes sometimes had difficulty in finding backers when seeking funds for genuinely innovative research likely to lead to technological advance in the long term. That was where the National Technical Development Committee stepped in; it was responsible for allocating budget resources to such institutes on competitive basis and in the form of research contracts involving risk sharing. As a general rule, the Hungarian State protected industrial property with up-to-date regulations, which even safeguarded inventors' rights to a share in the profits from marketing of their technical

innovations resulting in the course of work for an enterprise. It also encouraged creative activity by measures such as tax rebates and low-interest loans.

8. He reminded members of the Committee that they had received written replies from the Hungarian Government to the list of items drawn up by the Pre-Sessional Working Group (E/C.12/WG/1992/CRP.1/Rev.1) and remained at their disposal for any further information they might wish to have.

9. Mr. NENEMAN said that in its written replies to the list of issues, the Hungarian Government had given a clear picture of the changes that had been taking place in Hungary and the new concepts adopted in various fields, but had failed to reply to some questions. No information had been given as to whether the percentage of the national budget allocated to education, research and culture had increased or decreased as a result of the economic and political transformation of the country (issue No. 11). Nor had statistics been given on changes in student numbers in higher education (issue No. 14), which would have given the Committee some idea of the growth or decline of higher education. In order to form a more accurate idea of the role of the Church in education, it would have been interesting to know whether religious instruction was provided in school or outside school (issue No. 17). As for the rights covered by article 15 of the Covenant, the Hungarian Government had not replied to what were nevertheless very specific questions raised under issues Nos. 19, 20 and 21 on the decline in State support for culture and its effect on access to culture; the measures being taken to reverse declining attendance at the performing arts; and the likelihood of State support for the cinema industry, together with the criteria for funding films. Clarification would be welcomed on all those points, which had, like the others, been submitted to the Hungarian Government for detailed reply.

10. Mr. SIMMA said that the usefulness in the national context of international legal instruments on human rights depended, among other things, on the manner in which they were incorporated into domestic law. It was not very clear how that had been done in Hungary. Article 19 of the Constitution, a copy of which had been received by the Committee, stated (para. 3 (f)) that the National Assembly was responsible for treaties of outstanding importance for the country's foreign relations. Were international treaties on human rights considered to be in that category? Furthermore, article 30/A, paragraph 1 (b), which authorized the President of the Republic to enter into international agreements on behalf of the Republic, with the prior consent of the National Assembly where the content of such agreements fell within the competence of the legislature, did not specify whether international treaties required adoption or ratification by an act of Parliament. He would like further information on the subject. Another question he would like answered was whether the constitutional court was competent to abrogate any legislative text that contravened international treaty obligations.

11. In its written replies, the Hungarian Government had not taken up issue No. 12 (a), which asked whether the 1985 Education Act - or the law replacing it - promoted the development of human rights teaching. If it did, what place did such teaching have in school curricula? The Hungarian Government had clearly indicated in its replies that foreign nationals had access to higher education in the same conditions with regard to

qualifications and skills as Hungarian nationals; did the State also apply the same conditions to affording foreign nationals the material means of acceding to such education, such as through scholarships?

12. Referring to paragraph 27 of the 1990 report, where it was stated that compliance with the provisions of article 13 of the Covenant depended, inter alia, on the availability of the funds required, he asked whether the Hungarian Government was always so harsh, or did it endeavour, in compliance with article 2 of the Covenant, to make the maximum of resources available to ensure the full realization of those rights.

13. Mr. MRATCHKOV considered that, in his introductory statement to the Committee, the representative of Hungary had given a reasonably satisfactory overview of the situation prevailing in that country, but had not replied to specific questions put by the Pre-sessional Working Group. Further details would therefore be appreciated on the application in practice of articles 13 and 15 of the Covenant. What was, for example, the share of the private sector in education, how many private schools were there, how many pupils attended such schools, and what share of State subsidies went to private schools. Information on censorship would also be welcome. Had censorship been totally abolished after the changes in Hungary? In many countries of central and eastern Europe, the brain drain was worsening. Was Hungary suffering from the same phenomenon; if so, what measures had the authorities in mind or had already taken to cope with it? What was the social and legal status of the teaching profession, as set out in the new Labour Code recently adopted by the Hungarian Parliament?

14. Mr. TEXIER asked what the status of international instruments, in particular the Covenant, was in relation to domestic law. He also inquired what Hungary's attitude was to regional instruments, given the fact that many east European countries wished to accede to certain European instruments, such as the European Convention on Human Rights. On the subject of private schools, did Hungary have any denominational schools that were not Roman Catholic? Were there any non-denominational private schools?

15. He noted that in his introduction, the representative of Hungary had highlighted privatization. Under the Covenant, although private schools were permissible the State should retain prime responsibility for education. Was that how Hungary regarded the matter? Was there any upsurge in the formation of non-governmental cultural human rights organizations in Hungary? If so, what role did they play and what were their relations with the State?

16. Mr. MUTERAHEJERU asked the Hungarian delegation for more specific answers to the list of issues prepared by the Pre-sessional Working Group. He noted further that the representative of Hungary had several times referred to the changes the country had experienced since 1990. How were those changes actually reflected in education? Were the teachers the same and did they teach in the same way as they had done before 1990? Did students in the faculties of law and philosophy receive the same instruction as they had in the past on the differences between a people's democracy and a free democracy? Had the role played by parents in the choice of subjects and of religious instruction changed in any way? From what date had the Church exercised the significant and traditional role ascribed to it by the Hungarian delegation?

From before 1948? But did that not mean that an important segment of history was being ignored? From 1990? But in that case could one really speak of a traditional role? According to the figures given by the representative of Hungary, a large number of people appeared to belong to minorities. What were those minorities and what changes had occurred since 1990 as far as that emancipation was concerned?

17. Mr. WIMER ZAMBRANO said that he too would like to know whether there were any non-Catholic religious schools. The Committee was well aware of the very great importance the Catholic Church had in Hungary and wished to be assured that it did not enjoy disproportionate advantages over other churches. What was Hungary's policy with regard to the Hungarian minorities living outside Hungary, especially in neighbouring countries? In the Vojvodina, in former Yugoslavia, for example, a large Hungarian minority had enjoyed significant rights before the war. Since the start of the war, many refugees had come to Hungary; it was likely that many of them were ethnic Hungarians. What was Hungary's policy towards those seeking political asylum, including ethnic Hungarian refugees?

18. Mrs. JIMENEZ BUTRAGUEÑO recalled that Hungary's previous report had provided information on university education and further education for adults, which did not appear in the present report. She would therefore like more information on the subject. In the case of the elderly, she wished to know how their experience was being made use of in education. Did the elderly enjoy any special advantages in the cultural field? Had the fact that the elderly were often in very straightened circumstances been taken into account by, for example, allowing them free entry to museums and theatre performances, etc?

19. Mr. LONTAI (Hungary) said that he proposed to consider further the questions asked by the members of the Committee and to reply at a later meeting.

20. The CHAIRMAN thanked the representatives of Hungary for introducing their country's report on the implementation of the rights covered by articles 13 to 15 of the Covenant.

ORGANIZATION OF WORK (agenda item 2) (continued)

21. Mrs. JIMENEZ BUTRAGUEÑO expressed surprise that no question relating to university education and further education for adults appeared in the list of issues drawn up by the Pre-sessional Working Group. Those were important matters that should be raised as a matter of course with country delegations.

The meeting rose at 4.20 p.m.